

85-00461

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AUG 6 1985

Honorable H. E. Swearingen  
Mayor  
Town of Pine Hill  
P. O. Drawer 397  
Pine Hill, AL 36769

Municipalities - Competitive Bid  
Law - Purchases - Contracts

Municipalities must advertise for  
bids and make purchases under  
Code of Alabama 1975, § 41-16-50,  
et seq., only when amount  
involved is \$3,000 or more.

Dear Mayor Swearingen:

The opinion request of the Town of Pine Hill has been received in the Office of the Attorney General. Your request, in pertinent part, reads as follows:

Alabama's cities and towns are covered by the competitive bid law found at Section 41-16-50 through 41-16-63, Code of Ala. 1975. This law requires all purchases in excess of \$2,000 to be made on a bid basis. Certain exemptions are provided in the law.

The State Legislature recently enacted S. 63 (Act 35-281). This bill, as originally introduced, proposed to clear up language as to when leases or lease-purchase arrangements were covered by the bid law; delete ambiguous language relating to the bidding of concession contracts; and to provide that lease-purchase contracts could be let for periods of 5 years or less. During the legislative process an amendment was offered on the House floor to increase

the minimum amount before bids are required from \$2,000 to \$3,000. Section 41-16-50 was amended accordingly. The Senate agreed with the House amendment and the bill became law.

The Town of Pine Hill wishes to let some bids. However, we have noticed that Sections 41-16-54 and 41-16-55 of the bid law, which were not amended, still contain the \$2,000 figure. This is in direct conflict with Section 41-16-50 which contains a \$3,000 figure. It appears clear that the legislature in enacting Act 85-281 clearly intended to increase the minimum before bids are required to \$3,000.

We respectfully ask that your office advise us of which way we are to proceed in our future bidding.

As noted above, Code of Alabama 1975, § 41-16-50 was amended to raise the minimum amount for which bids must be taken from \$2,000 to \$3,000. Neither Section 41-16-54 relating to advertisement and solicitation of bids for purchases involving of \$2,000 or more nor Section 41-16-55 making bid collusion involving amounts over \$2,000 a Class C felony was amended.

Sutherland Stat. Const. § 58.06 (4th Ed.), in pertinent part states:

It is ancient wisdom<sup>1</sup> that statutes should be interpreted so that the manifested purpose or object can be accomplished<sup>2</sup>.  
(Footnotes omitted).

If the legislature has opted to increase the minimum amount at which competitive bids must be taken, it seems useless to continue to require advertisement for bids of amounts between \$2,000 and \$2,999. The legislature has clearly shown that the purpose of the competitive law is to require competitive bids on purchases of \$3,000 or more. Therefore, it is the opinion of this office that the Town of Pine Hill is only required to advertise for competitive bids when purchases to be made are \$3,000 or more.

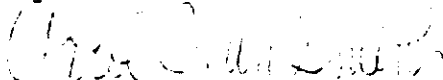
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I do hope that this response sufficiently answers your inquiry. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK  
Attorney General

By:



CAROL JEAN SMITH  
Assistant Attorney General

CAG/CJS/pd